

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING - MONDAY, MAY 2, 2016 – LEGISLATIVE CHAMBER,
ROOM 314, TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

CALL TO ORDER/ROLL CALL: 7:05 P.M.

ATTENDANCE: Kevin Ahern, Chair; Vice Chair: Kevin Prestage; Commissioners: Michael Seder and Michele Maresca; Alternates: Liz Gillette; John O'Donnell; Todd Dumais, Town Planner/TPZ Secretary; Catherine Dorau, Associate Planner; Patrick Alair, Deputy Corporation Counsel.

ABSENT: Alternates: Mishone Donelson, Assistant Corporation Counsel; Kimberly Boneham

ANNUAL MEETING: TPZ election of officers, selection of committee representatives and approval of rules and regulations

Ahern, Prestage, Seder & Maresca voting.

- Chairman: **Kevin Ahern**
Motion/Prestage; Second/Maresca (Vote: 4-0).
- Vice-Chairman: **Kevin Prestage**
Motion/Ahern; Second/Maresca (Vote: 4-0).
- Secretary: **Todd Dumais**
Required by TPZ Bylaws
- Town Council Community Planning and Physical Services Committee:
 - TPZ Liaison: **Kevin Prestage**
Motion/Ahern; Second/Maresca (Vote: 4-0).
 - Alternate: **Liz Gillette**
Motion/Ahern; Second/Seder (Vote: 4-0).
- Capitol Region Council of Governments: **Michael Seder**
Motion/Ahern; Second/Prestage (Vote: 4-0).
Alternate: **Mishone Donelson**
Motion/Seder; Second/Prestage (Vote: 4-0).

- Conservation and Environment Commission:
TPZ Liaison: **Michele Maresca**
Motion/Ahern; Second/Seder (Vote: 4-0).
- Alternate: **John O'Donnell**
Motion/Ahern; Second/Prestage (Vote: 4-0).

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

Approval of Minutes:

- a. Minutes of the Regular Meeting, Monday, January 4, 2016.
Motion/Maresca; Second/Prestage; Vote: 4-0 Voting: Prestage, Maresca, Ahern, Alternate: Gillette
- b. Minutes of the Regular Meeting, Monday, April 4, 2016; **Vote: 3-0 Voting: Prestage, Ahern, Alternate: O'Donnell**

COMMUNICATIONS:

4 Wyndwood Road - Application (IWW #1020) of Town of West Hartford requesting permission for transfer of previously approved permit to new property owners, Sara E. Pileski and Christopher Walker-Diaz. Inland Wetlands and Watercourse Agency approved this permit on January 5, 2015. (Submitted as a late item for TPZ on May 2, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Seder; Second/Maresca) (Gillette seated for Freeman) to **ACCEPT** the communication item.

NEW BUSINESS:

75 Isham Road (World of Beer)- Application (SUP #1254-R1-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC, requesting TPZ review of compliance with the conditions of SUP #1254 approved June 2, 2014 to authorize a 12-seat outdoor dining area. (Submitted for TPZ receipt on May 2, 2016. Suggest required public hearing be scheduled for June 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Maresca) (O'Donnell seated for Freeman) to schedule this matter for public hearing on Monday, June 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

993 North Main Street (Veterinary Specialists of CT, P.C.)- Application (SUP #1085-R3-16) of JHK, LLC and applicant Veterinary Specialists of CT, P.C. (Peter J. Royer, Attorney) requesting TPZ review of compliance with the conditions of SUP #1085-R2-14 approved on May 5, 2014 to allow emergency veterinary services daily between the hours of 8pm and 7am. There have been no changes to the layout of the site. (Submitted for TPZ receipt on May 2, 2016. Suggest required public hearing be scheduled for June 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Seder) (O'Donnell seated for Maresca) (Gillette seated for Freeman) (Maresca recused herself) to schedule this matter for public hearing on Monday, June 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

526 New Park Avenue (East-West Grille)- Application (SUP #1251-R1-16) of Manola Sidara, owner and applicant of East-West Grille, requesting TPZ review of compliance with the conditions of SUP #1251 approved on May 5, 2014 to establish an outdoor dining area with a seating capacity of sixteen (16) seats. (Submitted for TPZ receipt on May 2, 2016. Suggest required public hearing be scheduled for June 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Freeman) to schedule this matter for public hearing on Monday, June 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

1189 Prospect Avenue- Application (IWW #1043) of Joseph Scannell, R.O. seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant seeks to install a 16'x35' in-ground pool and spa and pool code fence. (Submitted for IWWA receipt on May 2, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **vote (3-2)** (Motion/O'Donnell; Second/Prestage) (O'Donnell seated for Prestage) (Seder and Maresca voting against) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Monday, June 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

OLD BUSINESS- PUBLIC HEARING AND DECISION TO BE RESCHEDULED:

503-511 New Park Avenue (Chick-Fil-A, Inc.) - Application (SUP #1290) of Aldi, Inc. and applicant Chick-Fil-A, Inc. (Susan Hays, Attorney) seeking Special Use Permit approval for an eighteen (18) seat outdoor dining area. The seating will be located at the front of the building.

(Submitted for TPZ receipt on April 4, 2016. Public hearing originally scheduled for May 2, 2016.
Due to S.D.D. scheduling conflict, suggest public hearing be rescheduled for June 6, 2016.)

The TPZ acted by **unanimous vote (5 -0)** (Motion/Maresca; Second/Prestage) (Gillette seated for Freeman) to reschedule this matter for public hearing on Monday, June 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

**OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON
MAY 2, 2016:**

35 Barksdale Road- Application (SUP #1291) of the Town of West Hartford (Robert Palmer, Plant and Facilities Services) seeking approval for a Special Use Permit to install a 28-foot by 28-foot shade structure at the Norfeldt Elementary School. The area is now utilized as a community gathering and instructional place and is adjacent to the school's outdoor garden area. (Submitted for TPZ receipt on April 4, 2016. Required public hearing scheduled for May 2, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Seder) (O'Donnell seated for Freeman) to approve the permit application.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.

1700 Asylum Avenue- Application (IWW #850-R2-16) of the Town of West Harford (Marc Blanchard, Human and Leisure Services Department), seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a

wetland and water course area. The applicant seeks to install four (4) permanent athletic field light pole structures at the little league field located the furthest from the intersection of Asylum Avenue and Trout Brook Drive. (Submitted for IWWA receipt on March 7, 2016; due to the lack of a quorum, meeting adjourned to April 4, 2016. Determined to be potentially significant and set for public hearing on May 2, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Freeman) to **APPROVE** the proposed regulated activity and to direct that a wetland permit be issued.

During its discussion and deliberation on this matter, the Agency made the following findings:

1700 ASYLUM AVENUE
INLAND WETLAND APPLICATION IWW #850-R2-16
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1700 Asylum Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #850-R2-16** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **1700 Asylum Avenue**.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 3.) This IWWA permit approval shall be stripped onto the final set plan.

1700 Asylum Avenue- Application (SUP # 1062-R4-16) of the Town of West Harford (Marc Blanchard, Human and Leisure Services Department), seeking approval for a Special Use Permit to install four (4) permanent athletic field light structures at the little league field located the furthest from the intersection of Asylum Avenue and Trout Brook Drive. Lighting is programmed to shut off automatically at 9:30 p.m. with security lighting remaining on and automatically shutting off at 10:00 p.m. (Submitted for TPZ receipt on March 7, 2016; due to the lack of a quorum, meeting adjourned to April 4, 2016 for receipt. Required public hearing scheduled for May 2, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Seder; Second/Prestage) (Gillette seated for Freeman) to approve the permit application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The applicant shall comply with the operational restrictions for lighting and sound submitted as part of the application.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ after one full season of operation of the lights or by May of 2018 whichever is sooner for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified

TOWN COUNCIL REFERRAL AND REQUEST FOR REPORT:

645 Prospect Avenue – Application (SDD#125-R1-16) on behalf of Loomis-Wooley Homeowners Association (LWHA), property owner of **645 Prospect Avenue**, to amend Special Development District #125. LWHA is requesting the elimination of condition of approval 2.C: “Solid waste collection shall be the responsibility of the property owner/manager”. If approved, waste and recycling services will be provided by the Town of West Hartford.

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Seder; Second/Prestage) (O'Donnell seated for Freeman) to **recommend approval**.

TOWN PLANNER'S REPORT:

New Park Avenue Transit Area Complete Streets Study Update.

This item was received by the TPZ.

ADJOURNMENT: Motion/Prestage; Second/O'Donnell (5-0). Meeting adjourned at 10:02 PM

U: shareddocs/TPZ/minutes/2016/May2_16Draft MinutesRev